

**DRAFT/UNAPPROVED  
VIRGINIA BOARD OF PHARMACY  
MINUTES OF SPECIAL CONFERENCE COMMITTEE  
INFORMAL CONFERENCE COMMITTEE**

Tuesday, May 15, 2007  
Fifth Floor  
Conference Room 4

Department of Health Professions  
6603 West Broad Street  
Richmond, Virginia 23230

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CALL TO ORDER: A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.

PRESIDING: Leo Ross, Committee Chairman

MEMBERS PRESENT: Bobby Ison

STAFF PRESENT: Cathy M. Reiniers-Day, Deputy Executive Director

CYNTHIA C. DUHANEY  
License #0202-012104  
Cynthia C. Duhaney appeared to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the April 6, 2007 Notice.

Mykl D. Egan, DHP Adjudication Specialist, was also present as staff for this conference.

Closed Meeting: Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Cynthia C. Duhaney. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene: Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision: After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the

Committee voted 2-0 in favor of the motion, that the Committee makes the findings of fact, conclusions of law and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Duhaney unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Duhaney within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

PATRICIA E. BRIDGERS  
License #0202-010320

Patricia E. Bridgers appeared with Douglas A. Lipton, her attorney, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the April 6, 2007 Notice.

Mr. Egan was also present as staff for this conference.

Closed Meeting:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Patricia E. Bridgers. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to close this case with no violations.

BABAJINMI O. OYETAYO  
License #0202-204069

Babajinmi O. Oyetayo appeared with Olaonipekun Oyetayo, his son, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the April 19, 2007 Notice.

Mr. Egan was also present as staff for this conference.

Closed Session:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Babajinmi O. Oyetayo. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the Committee makes the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Oyetayo unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Oyetayo within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

CHRISTINE TESACK  
License #0202-012196

Christine Tesack appeared with Stephen D. Rosenthal, her attorney; Tammy Anderson, former CVS employee that worked with Ms. Tesack; Gordon Hair, Ms. Tesack's

CVS Pharmacy Supervisor; Timothy Thurston, and Margaret Weems, customers; to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the December 20, 2006 Notice.

Amanda E. Mitchell, DHP Adjudication Specialist, was also present as staff for this conference.

Closed Session:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Christine Tesack. Additionally, he moved that Cathy Reiniers-Day and Amanda Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to close this case with no violations.

ADJOURN:

With all business concluded, the meeting adjourned at 6:25 p.m.

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Cathy M. Reiniers-Day  
Deputy Executive Director

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Leo H. Ross, Chair

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Date

Attachment 1  
Minutes - Board of Pharmacy  
Special Conference Committee  
May 15, 2007

Cynthia C. Duhaney

Findings of Fact and Conclusions of Law:

- Cynthia C. Duhaney holds license number 0202-012104 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Ms. Duhaney's employment as the pharmacist-in-charge at CVS/pharmacy #1884, Arlington, Virginia, an inspection conducted on April 18, 2006, disclosed the following deficiencies:
  - Ms. Duhaney violated § 54.1-3316(7) and § 54.1-3404(C) of the Code, and 18 VAC 110-20-240(A)(5) of the Regulations, in that the biennial inventory was not signed. This violation had also been noted during previous inspections conducted on December 10, 2001, and November 26, 2003, wherein she was the pharmacist-in-charge. Ms. Duhaney provided documentation indicating that inventories conducted between April 2006 and May 2007 have been properly documented.
  - Ms. Duhaney violated § 54.1-3316(7) of the Code, and 18 VAC 110-20-355(B) of the Regulations, in that filled prescriptions that were returned to stock were not properly labeled. This violation had also been noted during previous inspections conducted on December 10, 2001, and November 26, 2003, wherein she was the pharmacist-in-charge. Ms. Duhaney provided a sample of a label, which contains all of the necessary information, that is automatically printed for an item returned to stock.
  - Ms. Duhaney violated § 54.1-3316(7) and § 54.1-3408.01(A) of the Code, in that Rx#619463 and Rx#C619464 were written on a single order form.

Sanction

- Ms. Duhaney shall successfully complete four (4) hours of continuing pharmacy education in the area of prescription errors and be assessed a monetary penalty of Two Hundred Fifty Dollars (\$250.00).

Attachment 2  
Minutes - Board of Pharmacy  
Special Conference Committee  
May 15, 2007

Babajinmi O. Oyetayo

Findings of Fact and Conclusions of Law:

- Babajinmi O. Oyetayo holds license number 0202-204069 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- Mr. Oyetayo violated § 54.1-3316(5) and (7), § 54.1-3410(B) and § 54.1-3462(1) of the Code, in that he diverted quantities of controlled substances for his personal and unauthorized use and for the use of others. Specifically, during the course of Mr. Oyetayo's employment as a pharmacist at Rite Aid #4706, Chesapeake, Virginia, between July 1, 2006 and December 20, 2006, he fraudulently entered data into the pharmacy computer system and dispensed one prescription for Tussionex (hydrocodone bitartrate and chlorpheniramine, Schedule III) and six prescriptions for Codiclear (hydrocodone and guaifenesin, Schedule III). Two of the prescriptions, the Tussionex and one for Codiclear, were in his name and the remaining five were in the names of three other individuals. None of the prescriptions were authorized by the prescriber. As a result, his employment was terminated.
- Mr. Oyetayo stated that he was extremely remorseful for his actions, and he apologized to the Committee.

Sanction

- Babajinmi O. Oyetayo be issued a REPRIMAND and shall successfully complete the continuing pharmacy education course titled: "Ethics in Pharmacy Practice: Respect for the Right of Conscience"